

HOUSE BILL 3941

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 68,
relative to displacement of residents from a
nursing home.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-907, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Except when subsection (b) applies or when the resident's attending physician determines that the failure to transfer a nursing home resident will threaten the health or safety of the resident or others, and documents that determination in the resident's medical record, no involuntary transfer or discharge shall occur until a physician has certified, in writing, that the physician has personally examined the resident within the seven (7) days immediately before the proposed transfer or discharge, that the physician is familiar with the discharge plans and provisions for continuing the resident's care, and that the transfer or discharge will not pose a threat to the health or safety of the resident.

(b)

(1) When an involuntary transfer is proposed because a resident's welfare and needs cannot be met in the facility or the health or safety of individuals in the facility would be endangered, the facility must notify each resident and, if known, a family member or legal representative of each resident of the proposed transfer and the reasons for the move in writing and in a language and manner they understand. The notice shall be made as soon as practicable before any transfer. Except for a disaster on the premises or because the attending physician orders the transfer as a medical

emergency, no transfer shall occur for at least ten (10) days, unless the resident or legal representative agrees in writing to the transfer.

(2) The department of health and the long-term care ombudsman shall also receive notice of the involuntary transfer and meet with the resident, family member and legal representative to discuss the care options available to the resident including care services available in one's home, the availability of appropriate services in reasonably close proximity to family and friends, and any services needed to diminish the possible trauma associated with the transfer. The facility, the department and the area long-term care ombudsman are responsible for working with the resident, family and legal representative to ensure that residents are transferred to a residence of their choosing where their care needs, health and safety can be met.

(c) As used in this section, "transfer" refers to the movement of a patient or resident to a location outside of the nursing home and does not refer to intrafacility transfers in which a patient or resident changes beds, rooms or wings of the same nursing home.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.